

DRAWINGS AMENDMENTS

Replacement drawing sheets containing FIGS. 1, 2 and 3 are submitted here with. The replacement sheets differ from the sheets originally filed only with respect to adding the legend Prior Art to FIGS. 1, 2 and 3.

REMARKS

Claim 5 stands rejected under 35 USC 103 over the admitted prior art in view of Silva et al.

The subject matter of claim 5, as currently amended, is a control device for a door closer, and more specifically a control device for regulating the pressure of medium flow in a door closer. As set forth in claim 5, the control device includes a guiding part (corresponding to the guiding part 32 in the case of the embodiment shown in FIG. 4 of the drawings) that can be supported on the door closer body using a thread fillet (the element 33 in the embodiment shown in FIG. 4). The control device also includes a control part (51) with a bevelling (52). The thread fillet allows the control device to be moved in its axial direction in relation to the door closer body by turning the control device. Axial movement of the control device results in the desired restriction on the pressure medium flow by the control part. At the bevelled end of the control part, the control device comprises a support part (53) and a collar (the collar 54) of resilient material placed around the support part for providing a support surface against the door closer body. The control part and the collar support the control device on the door closer body and hold the control device in place in the pressure medium flow, which support is based on compression of the collar.

As described with reference to FIGS. 2 and 3, the control device of the prior art includes a guiding part 32 and a control part 35 having a bevel 36. The bevel 36 cooperates with the door closer body to restrict flow of pressure medium in the channel 23. When the bevelled end of the control part 35 enters the blind segment of the bore, axial movement of the control device provides fine control over the restriction on the pressure medium flow.

Silva et al discloses a fluid friction controller that comprises an outer housing member 13 in which is located an inner member 20 having three distinct length segments. The inner member

20 comprises a pair of cylindrical end bearings 21, 22 that ride in close sliding relationship with the inside wall of the opening 13, and a tapered surface 26 between the end bearings 21, 22.

The examiner asserts that it would have been obvious in view of Silva et al to have provided the control device shown in FIG. 3 with a support part and a collar. The examiner considers that the region designated A in the annotated FIG. 1 constitutes a support part within the meaning of claim 5 and that the element designated B in the annotated FIG. 1 is a reasonable counterpart of the collar referred to in claim 5. Applicant respectfully disagrees.

In the case of the control device described with reference to FIGS. 1-3, the bevelled end of the control device cooperates with the entry or mouth of the blind section of the bore containing the control device to provide the desired fine control over the restriction of pressure medium flow. Silva et al discloses that the bearing end 21 is a close sliding fit in the opening 13 and that the control over fluid flow is effected through adjustment of the gap between the inside surface of the opening 13 and the exterior of the member 20 as the inner member 20 moves lengthwise of the outer member 12. Cooperation between the tapered surface 26 and the portion of the opening 13 containing the bearing 21 does not effect fine control over the fluid friction. Thus, the tapered surface 26 of Silva et al. does not serve an analogous purpose to the bevel 36 in FIG. 3. The prior art does not suggest why it would have been obvious to a person of ordinary skill to modify the control device shown in FIG. 3 by providing a support part that extends beyond the bevel 36 of the control part 31 to be fitted with a sliding fit in the blind segment of the bore in the body of the door closer. As mentioned in the specification, the inner end of the control valve 31 is bevelled to facilitate the control function, by providing fine adjustment of the clearance between the control valve and the valve body, and providing a bearing as shown by Silva et al would degrade or even prevent the control function.

Claim 5 specifies that the control part and collar support the control device on the door closer body and that the support is based on compression of the collar. As noted previously, the bearing 21 of Silva et al is a close sliding fit in the outer body 12, which implies that the bearing is not under compression, and Silva et al does not disclose or suggest why a person of ordinary skill in the art would provide a control device as shown in FIG. 3 with a collar that is under compression.

In view of foregoing, applicant submits that the subject matter of claim 5 is not disclosed or suggested by the prior art. Therefore, claim 5 is patentable and it follows that the defendant claims 6-8 also are patentable.

The new claim 9 is similar in scope to claim 5 and is patentable for the reasons presented in support of claim 5.

The new claim 13 is directed to a door closer including a door closer body and a control device. The control device is defined in claim 13 in a similar manner to claim 9. Therefore, claim 13 is patentable for the reasons presented in support of claim 5.

Respectfully submitted,



John Smith-Hill
Reg. No. 27730

SMITH-HILL AND BEDELL, P.C.
16100 N.W. Cornell Road, #220
Beaverton, Oregon 97006
Tel: (503) 574-3100
Fax: (503) 574-3197
Docket: AWEK 3513